

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

ROGER GILLIARD,)	
)	No. 2:12-cv-00867-DCN
Plaintiff,)	
)	
vs.)	
)	ORDER
GREAT LAKES REINSURANCE)	
UK PLC,)	
)	
Defendant.)	
)	

This matter is before the court on several motions in limine. Specifically, defendant Great Lakes Reinsurance UK PLC (“Great Lakes”) requests that the court exclude all evidence of any type relating to any events, transactions, statements or other evidence, including the testimony of several witnesses, arising after March 27, 2012 from the trial of Gilliard’s bad faith claim. Def.’s Mots. in Limine, ECF Nos. 89-91, 92. Plaintiff Roger Gilliard (“Gilliard”) also seeks an order excluding any actions by Great Lakes or its agents after March 27, 2012.¹ Pl.’s Mot. in Limine, ECF No. 96.

“Whether an insurance company is liable for bad faith must be judged by the evidence before it at the time it denied the claim or if the insurance company did not specifically deny the claim by the evidence it had before it at the time the suit was filed.” Howard v. State Farm Mut. Auto. Ins. Co., 450 S.E.2d 582, 584 (S.C. 1994) (citing Nationwide Mut. Ins. Co. v. Clay, 525 So.2d 1339, 1342 (Ala. 1987)). “[I]f the insurance company did not specifically deny the claim evidence that arises after the filing of the

¹ Gilliard's motion cites the relevant date, the date the lawsuit was filed, as March 12, 2012. However, a review of the docket indicates that Gilliard's complaint was in fact filed on March 27, 2012.

bad faith claim is not relevant.” Id. Therefore, because Great Lakes did not deny Gilliard’s claim, any evidence arising after March 27, 2012, the date the claim was filed, is irrelevant to Gilliard’s bad faith claim.

Based on the above, the court **GRANTS** Great Lakes’ motions in limine, ECF Nos. 89, 90, 91, and 93, **GRANTS** Gilliard’s motion in limine, ECF No. 96, and excludes from the trial of Gilliard’s bad faith claim all evidence, including any actions, transactions, or statements, arising after March 27, 2012.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'D. Norton', written over a horizontal line.

DAVID C. NORTON
UNITED STATES DISTRICT JUDGE

July 25, 2014
Charleston, South Carolina